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Report of the Secretary-General on the protection of civilians in armed conflict

I. Introduction

1. The present report is submitted pursuant to the request contained in the statement by the President of the Security Council of 12 February 2013 (S/PRST/2013/2).

2. The present report, which is my eleventh on the protection of civilians in armed conflict, covers the period from November 2013 to May 2015. It reviews the state of the protection of civilians in key conflict-related crises, identifies existing and emerging protection challenges and highlights ongoing efforts to strengthen the protection of civilians. Finally, it provides recommendations for strengthening the protection of civilians in armed conflict and promoting a more consistent and systematic approach by the Security Council.

3. Over the past decade, the number of people in need of international humanitarian assistance has tripled. The overwhelming majority of those people are civilians affected by armed conflict or complex emergencies, which account for about 80 per cent of the crises requiring an international humanitarian response. Approximately 42 per cent of the world's poor now live in conflict-affected and fragile States, and that figure is expected to rise to 62 per cent by 2030. Protecting those people from harm and preserving their dignity, in particular by upholding international law and seeking accountability for violations, should be at the very top of the international community's agenda.

4. Yet shocking levels of brutality and casual disregard for human life and dignity have come to characterize most of today's armed conflicts. Civilians are killed and maimed in targeted or indiscriminate attacks. They are tortured, taken hostage and disappeared, forcibly recruited into armed groups, displaced from their homes, separated from their families and denied access to the most basic necessities. Sexual and gender-based violence is widespread. Direct attacks on schools and hospitals have become common features of many armed conflicts. Humanitarian and health-care workers are deliberately targeted. In many conflicts, the most basic rules of international humanitarian law are routinely violated with little or no accountability. Impunity remains widespread across conflicts and fuels further violations.

5. The human cost of this dynamic is devastating. Displacement due to conflicts and violence has reached its highest level since the Second World War: an estimated

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38 million people have been displaced within their own country and a further 13 million are refugees abroad. In 2014 alone, about 11 million people had to flee their homes and seek safety within their own country to escape attacks or for fear of being attacked. This is the equivalent of 30,000 people uprooted from their homes every day, with little hope of return. The average length of conflict-induced internal displacement is about 17 years. For many, displacement marks the beginning of a lifelong struggle for security and stability.

6. Upholding humanity is at the core of humanitarian action and of the Charter of the United Nations. Civilians caught in armed conflict are among the world's most vulnerable. They have a right to be protected. Yet the commitment and the ability of the international community to protect civilians in conflict and preserve their dignity are being challenged at every turn. Over the past 16 years, the Security Council has established a robust normative framework on the protection of civilians, embodied in various resolutions and presidential statements and founded on the principles of international humanitarian, human rights and refugee law. The Council has also significantly strengthened the protection and human rights mandates of many United Nations peace operations. This has been bolstered by the regular updating of the aide-memoire for the consideration of issues pertaining to the protection of civilians and the establishment of the Council's informal expert group on the protection of civilians. The establishment by the Council of thematic mandates on children and armed conflict and conflict-related sexual violence has been crucial in garnering political momentum and promoting responsive action on those issues. However, despite those improvements in the normative sphere, the task of protecting civilians on the ground has been more pronounced in its failures than its successes.

7. The five core challenges to the protection of civilians, outlined in my previous reports, continue to be highly relevant. First, we must strengthen compliance with international law by parties to conflict, in particular in the conduct of hostilities. A united Security Council has a critical role to play in this area. The lack of enforcement and continued violations have eroded international humanitarian and human rights law. Second, we must ensure more systematic engagement with non-State armed groups to press for their compliance with the law and their assurance of the protection of civilians and humanitarian access to people in need. Third, building on the progress to date, we must further strengthen the role of peacekeeping operations in the protection of civilians. Peacekeepers must be given the resources and capabilities necessary to fulfil these mandates while actively engaging national authorities in fulfilling their primary responsibility to protect civilians. Fourth, we need more concerted action from all relevant actors, including those with leverage over parties to conflict, to ensure rapid and unimpeded humanitarian access to people in need of protection and assistance. Where parties to conflict withhold consent to relief operations on arbitrary grounds, there must be consequences. Fifth, there remains an overwhelming need to ensure that those who violate the law are held accountable for their actions. Anything less promotes a culture of impunity within which violations flourish. My previous reports include numerous recommendations to assist the Council, Member States and parties to conflict in meeting the challenges. Those recommendations warrant serious consideration and action. States have the primary responsibility for protecting civilians on their territory, and the ultimate aim of my recommendations is to reinforce, not replace, the responsibility of States.

8. We need to use the World Humanitarian Summit, to be held in 2016, to launch an ambitious agenda for change and measurably reduce violence and the impact of conflicts on civilians, with clear goals and targets. We also need to build on the work of the post-2015 process to truly ensure that "no one is left behind", least of all the displaced and others affected by conflict. Clearly articulating our ambitions to reduce violence by 2030 and identifying concrete targets and indicators will promote measurability, dialogue and action in this critical area.

II. Country-specific concerns

9. Despite some progress at the normative level in the past 18 months, the general state of protection on the ground remains bleak. Civilians continue to constitute the vast majority of victims of armed conflict, and widespread violations of international humanitarian and human rights law are frequently accompanied by a complete lack of accountability.

Afghanistan

10. There was a sharp rise in civilian casualties and displacement in 2014, with women and children disproportionately affected. The United Nations Assistance Mission in Afghanistan (UNAMA) reported that there were more civilian casualties in 2014 (10,548) than in any other year since 2009, a 22 per cent increase over 2013. Of particular concern was the dramatic increase (40 per cent) in child casualties. There was also a sharp rise in civilian casualties resulting from the use of explosive weapons in populated areas. More than 166,000 people were newly displaced in 2014, bringing the total number of internally displaced persons to more than 805,000. In addition, since June 2014, Afghanistan has received 280,000 refugees from Pakistan, while Pakistan continues to host about 1.5 million Afghan refugees. In February 2014, the Government adopted a comprehensive national policy on internal displacement; the international community must support the Government's efforts to ensure its effective implementation. Humanitarian access remains a serious challenge owing to high levels of insecurity. Attacks on humanitarian personnel and assets continued to increase throughout 2014, including the abduction and murder of five national staff of Save the Children International.

Central African Republic

11. Sectarian violence, significant levels of displacement, persistent insecurity and fear continued to mark the country in 2014. Despite progress in 2015 on the political front, the humanitarian situation remains dire: more than 60 per cent of the population now require humanitarian assistance. While the security situation in Bangui and some other areas improved following the deployment of international forces and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic in 2014, clashes between armed groups and attacks on civilians remain widespread. The ongoing difficulties of local and national institutions in re-establishing State authority have made the protection of civilians extremely challenging. The International Commission of Inquiry on the Central African Republic has documented extrajudicial killings, arbitrary arrests and detention, abductions and torture. Anti-Balaka armed groups are systematically targeting minority groups. Nearly the entire Muslim population of the western part of the country, including Bangui, has fled, and many have been deliberately

attacked. Some 6,000 to 10,000 children have been recruited or used by armed groups, and sexual exploitation and abuse by the parties to the conflict and by international forces continues to be reported. About one fifth of the population has been displaced, with 463,000 internally displaced persons and 430,000 refugees in neighbouring States. Some 36,000 internally displaced persons from religious and ethnic minorities are trapped in enclaves surrounded by anti-Balaka elements and effectively cut off from food and medical supplies. Reports have emerged of Fulani herders being enslaved, tortured, raped, maimed and killed. Humanitarian access remains difficult in many areas owing to active hostilities, violence against humanitarian personnel and interference in the implementation of humanitarian activities. Eighteen humanitarian workers were killed in the past 12 months alone.

Colombia

12. Although 2014 saw welcome progress in the peace negotiations between the Government and the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP), this was not matched by an overall improvement in the humanitarian situation on the ground, with indigenous groups and Afro-descendant Colombians particularly affected by the ongoing violence and insecurity. FARC-EP has maintained its control over communities, including through mobility restrictions, extortion and threats. Moreover, conflict with the National Liberation Army (ELN) and violence by post-demobilization armed groups and other local armed structures continues. The risk of landmine accidents remains high in large areas of the country. Concerns have been raised that proposed military justice legislation may undermine the fight against impunity for extrajudicial executions and other alleged grave violations committed by the military during the conflict. More than 150,000 people were newly displaced by conflict and violence in 2014, bringing the total number of internally displaced persons to more than 6 million. The Victims and Land Restitution Law (2011) offers an important opportunity to provide remedies for millions of internally displaced persons, but so far only a small number have benefited from it.

Democratic Republic of the Congo

13. For two decades, persistent conflict in the eastern provinces and instability in other parts of the country have led to recurrent and protracted humanitarian crises, high malnutrition rates and outbreaks of disease. In the past 18 months, armed groups and government forces have continued to commit violations, including unlawful killings, torture, rape and looting, especially in the east. These include the summary execution by the Allied Democratic Forces of at least 237 civilians in the territory of Beni, North Kivu, between October 2014 and May 2015. Conflict-related sexual violence remains endemic. Concerns remain about attacks on schools and the recruitment and use of children by armed groups. Almost 2.8 million people have been internally displaced and 443,000 people have sought refuge in neighbouring States. While in some areas of relative calm the displaced have returned to their places of origin, overall displacement is increasing. In Katanga Province alone, 180,000 people were displaced between December 2013 and October 2014 as a result of fighting and insecurity. In addition, some 10,000 refugees arrived from Burundi in April and May 2015. Humanitarian access is limited in many areas as a result of insecurity, poor infrastructure and attacks on humanitarian workers and other constraints.

Iraq

14. The scale of the crisis in Iraq has increased dramatically since my previous report (S/2013/689) as targeted attacks on civilians, sexual and gender-based violence, and intimidation, often along ethnic and sectarian lines, have soared over the past year and continue unabated. The number of Iraqis requiring humanitarian assistance has risen sharply to more than 8.2 million people, an increase of 3 million in the past five months. More than 12,000 people were killed and 23,000 injured in 2014. The use of explosive weapons in populated areas remains a major cause of civilian deaths, injuries and displacement. The rapid expansion of armed groups, in particular Islamic State in Iraq and the Levant (ISIL), has also had a devastating impact. Children have been targeted and recruited by armed groups, while thousands of women and girls have been abducted, forcibly married and subjected to sexual and gender-based violence. All parties to the conflict have been accused of perpetrating sectarian and ethnically motivated abuses and killings. Almost 3 million people, half of them children, have been internally displaced since the conflict began in Anbar Governorate in January 2014. Internally displaced persons reside in substandard shelters with limited water and sanitation. The return of internally displaced persons is hampered by the widespread use of booby traps and improvised explosive devices, damaged public infrastructure, lack of basic services and access limitations imposed by security forces. Internally displaced males are often denied entry to safer governorates. Iraq also continues to host some 248,000 refugees from the Syrian Arab Republic. Humanitarian access remains a key challenge, with ongoing violence and insecurity affecting humanitarian operations, particularly for the 2.3 million Iraqis in need of humanitarian assistance who live in areas outside government control in northern and western Iraq, including areas under ISIL control. Across the country, nearly 7 million people, or 20 per cent of the population, are unable to gain access to essential health, water and sanitation services.

Libya

15. The humanitarian situation has deteriorated dramatically since fighting intensified in mid-2014. The widespread use of explosive weapons in populated areas has taken a heavy toll on civilians, causing death, injury, displacement and the destruction of homes and essential infrastructure, while also leaving dangerous explosive remnants of war. Fighting between armed groups has been marked by extensive violations of international law, including unlawful killings, arbitrary executions, torture, enforced disappearances, abductions and forced displacement. Violent confrontations between tribal groups in the south of the country continued. The conflict has had a disproportionate impact on children. Schools have been damaged by shelling and used as bases for launching attacks. There are about 400,000 internally displaced persons, many of whom have been repeatedly displaced as a result of the widening conflict. The situation of migrants, refugees and asylum seekers, already of serious concern before the escalation in fighting, has deteriorated further. Humanitarian access is severely limited in several areas owing to insecurity and fears of violent extremism, reducing the possibility of assessing needs and providing protection and assistance.

Mali

16. Renewed conflict in northern Mali in May 2014 has led to heightened violence, intercommunal tensions and displacement. Clashes between parties to the conflict and the use of mines and improvised explosive devices in the northern and, more recently, central regions of Mali have resulted in civilian casualties. The recruitment and use of children by armed groups continues, and arbitrary arrest and detention and the ill-treatment of detainees remain a concern. As at 31 May 2015, there were more than 100,000 internally displaced persons in Mali and 137,500 Malian refugees in neighbouring countries. In conjunction with the Government, the United Nations has developed a national strategy on durable solutions for internally displaced persons, returnees and repatriated refugees, but the Government has yet to formally endorse it. The lack of basic services in many areas of origin poses a challenge for the return of internally displaced persons. Humanitarian operations have been hampered in a number of areas as insecurity and violence triggered the temporary relocation of humanitarian workers and the suspension of their operations.

Myanmar

17. Renewed clashes in Kachin and northern Shan States triggered further displacement and the breakdown of community structures, heightening the risk of sexual and gender-based violence. In Rakhine State, more than 416,000 people remain in need of humanitarian assistance following intercommunal violence between Buddhists and Rohingya Muslims in June and October 2012. In Kachin and northern Shan, concerns have been raised about the parties' failure to distinguish between civilians and combatants during hostilities, as well as the continuing recruitment and use of children. Almost four years since the outbreak of the conflict, approximately 100,000 people remain displaced in Kachin and northern Shan. In Rakhine, there are 140,000 internally displaced persons in camps, the majority of whom are Rohingya who remain segregated from the rest of the population, with limited freedom of movement. They represent only a portion of the more than 1 million Rohingya who remain stateless as a result of the country's 1982 Citizenship Law denying them equal access to citizenship, and marginalized by decades of discrimination and persecution, which have prompted thousands to flee on perilous boat journeys. Greater efforts are required to decongest the camps and find sustainable solutions for the displaced, as well as address the root causes of the intercommunal tension and violence. Humanitarian access continues to pose a serious challenge. Relief operations have been undermined by insecurity in Kachin and northern Shan, resulting in a lack of access to areas beyond government control. The environment for humanitarian workers in Rakhine remains deeply hostile. In March 2014, the premises of the United Nations and other humanitarian organizations were attacked, forcing the relocation of 300 humanitarian workers.

Nigeria

18. North-east Nigeria witnessed a significant increase in violence during the reporting period, in particular the first few months of 2015, instilling fear in the civilian population and triggering extensive displacement. An estimated 5,000 civilians have been killed since January 2014. In addition, at least 2,000 women and girls have been abducted by Boko Haram during that period, and many have been forced into sexual slavery or combat. Boko Haram has recruited and used children, including as suicide bombers and human shields. In January 2015, in the run-up to

the national elections, Boko Haram attacks on communities in the three most affected states (Borno, Yobe and Adamawa) occurred almost daily, including through the use of explosive weapons in populated areas, causing civilian deaths, injuries and displacement. In April 2015, the Nigerian army freed more than 700 women and children, and a multinational counter-insurgency effort is understood to have made significant progress against Boko Haram in April and May 2015. Nevertheless, counter-insurgency efforts by the national security forces, armed militias and the security forces of neighbouring countries are also linked to reports of very serious human rights violations allegedly involving a high number of victims. As at 30 April 2015, an estimated 1.5 million people were internally displaced. Some 90 per cent of internally displaced persons live in host communities, generally in desperate conditions, with little or no access to humanitarian assistance. Others reside in poorly equipped camps, collective centres and informal sites. A further 210,000 people have fled to neighbouring states. The Government has stated its intention to support the return of internally displaced persons and refugees. However, insecurity and the presence of unexploded ordnance in return areas pose serious challenges. Humanitarian access remains challenging in some parts of the country, in particular the north-east, owing to high levels of insecurity.

Occupied Palestinian territory

19. Hostilities in Gaza in 2014 resulted in the highest civilian death toll since 1967, as well as extensive civilian property damage and displacement. More than 1,500 Palestinian civilians were killed, including more than 500 children, and 11,000 were injured during hostilities in Gaza in July and August 2014. There was also extensive damage to homes and civilian infrastructure, including schools and hospitals. Explosive weapons were widely used in populated areas, and explosive remnants of war remain widely dispersed across Gaza. The hostilities also had a serious impact on Israeli civilians owing to indiscriminate rocket and mortar fire from armed groups in Gaza, which killed five Israeli civilians and caused displacement in southern Israel. In addition, Palestinian and Israeli fatalities occurred in the West Bank, including East Jerusalem, largely as a result of confrontations between Palestinian demonstrators and Israeli forces. Those incidents highlighted long-standing concerns over the use of live ammunition for crowd control. Almost 500,000 Palestinians were internally displaced at the height of the hostilities in Gaza, and some 100,000 remain displaced. The continued demolition of Palestinian homes and the forced displacement of Palestinian civilians, many of whom are registered refugees, in relation to the construction of illegal settlements in the West Bank, including East Jerusalem, remain a serious concern. Despite the recent easing, prevailing restrictions of movement into Gaza impede access to services and resources, undermine livelihoods and reconstruction, compound the fragmentation of the occupied Palestinian territory and hinder humanitarian assistance. Israel must allow and facilitate rapid and unimpeded humanitarian access to and from Gaza and the West Bank to ensure that civilians' basic needs are met.

Pakistan

20. Military operations continued in the Federally Administered Tribal Areas. While military operations continued throughout the reporting period, they appear to involve better advance planning to limit the effect on civilians. On 16 December

2014, nine gunmen stormed the Army Public School in Peshawar, killing 145 people, including 132 schoolchildren, and injuring at least 133 others. Approximately 1.6 million people remain displaced in Pakistan, including 700,000 who were displaced in 2014 alone, largely as a result of the conflict in the Federally Administered Tribal Areas. An additional 39,000 families fled to Afghanistan in 2014. At the end of 2014, the Government announced its intention to return all displaced persons over a two-year period in a phased and supported manner. Humanitarian access to return areas of internally displaced persons is critical in order to plan for, support and monitor returns. Yet bureaucratic delays continue to affect humanitarian organizations' access to people in need.

Somalia

21. The humanitarian crisis in Somalia remains among the largest and most complex in the world. High levels of insecurity prevail in most districts of southern and central Somalia, with an estimated 2,170 violent incidents reported during the first nine months of 2014. In Mogadishu, Al-Shabaab has continued to use asymmetric combat techniques, including attacks targeting government institutions, politicians and journalists using improvised explosive devices. More than 1 million internally displaced persons continue to face a range of protection challenges, including forced evictions, discrimination and sexual violence. Some 43,000 internally displaced persons have been evicted from settlements in Mogadishu since the beginning of 2015, forcing many to move to areas with poor living conditions and limited services and security. All parties to the conflict have deliberately restricted humanitarian access, including through road access limitations and administrative restrictions, in particular in southern and central Somalia. Attacks on humanitarian actors continued, with 75 incidents against aid workers, including 10 deaths and 22 abductions, during the first nine months of 2014. During the past three months alone, 7 aid workers were killed, 11 were injured and 20 were arrested and detained. In April 2015, four United Nations humanitarian workers were killed in an attack by Al-Shabaab in Garowe (Puntland), previously considered one of the most permissive security environments for international assistance in the country.

South Sudan

22. It has been 18 months since the start of the conflict that has devastated South Sudan. Both parties to the conflict are accused of targeting civilians, including through killings, arbitrary detention, abductions, disappearances, sexual violence and attacks on civilian objects, such as houses of worship, schools and hospitals. Both parties are reported to have used sexual violence as part of military tactics. An estimated 184 health facilities have been destroyed or occupied or no longer function. Access to education has been disrupted, with some 400,000 children dropping out of school since December 2013, and 70 per cent of schools in conflict-affected areas have closed. Several thousand children may have been recruited and used by armed forces and groups since 2014. In this context, I welcome the recent release by the South Sudan Democratic Army's Cobra Faction of more than 1,700 child soldiers. The United Nations Mission in South Sudan continues to provide physical protection to some 118,000 internally displaced persons on its bases, while elsewhere more than 1.5 million people are displaced internally and more than 540,000 have fled to other countries. Concerns persist about camp

militarization and the infiltration of armed elements in refugee camp settings. Violence against humanitarian workers and restrictions by both parties on road and air movement continue to undermine humanitarian access. At least 13 humanitarian workers have been killed since the conflict began.

Sudan

23. Continued fighting in the Darfur region has involved widespread violations of international humanitarian law and human rights. Clashes in Darfur have seen deliberate or indiscriminate attacks on civilians perceived to be aligned with armed opposition groups and sporadic attacks on those perceived to be aligned with the Government. There were continued reports of sexual violence in Darfur, although the United Nations has had difficulty in gaining access in order to investigate those and other alleged human rights violations. Attacks on civilians, including the intensification of aerial bombardment, were also reported in South Kordofan and Blue Nile. In 2014, an estimated 430,000 people fled intercommunal conflict and Operation Decisive Summer, launched by government forces. This brought the total number of internally displaced persons to more than 2.5 million, the majority in camp settings. At least 65,000 new internally displaced persons were verified in Darfur in the first five months of 2015 alone. Elsewhere, military operations in South Kordofan and Blue Nile reportedly displaced some 140,000 people in 2014. Although most areas hosting people in need of assistance could be reached, in many cases access was partial and involved delays and restrictions. Cross-line humanitarian access to areas of active conflict and areas held by armed opposition forces remained cut off.

Syrian Arab Republic

24. The Syrian Arab Republic has entered its fifth year of conflict, with violence and brutality continuing unabated and with total impunity for all parties to the conflict. An estimated 12.2 million people now require humanitarian assistance, an increase of almost 3 million people in the past year. More than 220,000 people have been killed and more than 1 million injured since March 2011. Civilians throughout the country have been subjected to direct or indiscriminate attacks, including the widespread use of barrel bombs and other explosive weapons in populated areas. Chemical weapons attacks have also been reported. Hospitals, schools, places of worship and other civilian objects have been damaged, destroyed or occupied by combatants. Essential services have been cut off, depriving civilians of water and electricity. Reports continue of summary and extrajudicial executions, enforced disappearances, arbitrary detention, kidnappings, sexual violence and forced recruitment by parties to the conflict. More than half of the Syrian population have been forced from their homes, with 7.6 million internally displaced persons and almost 4 million refugees in neighbouring countries. Humanitarian access continues to be constrained by fighting and insecurity, as well as deliberate obstruction of life-saving aid, despite three Security Council resolutions emphasizing the obligations of the parties under international humanitarian law and demanding full humanitarian access. Some 4.8 million people are living in hard-to-reach or besieged areas. Aid workers are frequently harassed, kidnapped or killed, and health-care facilities and personnel have also become targets.

Ukraine

25. The conflict in Ukraine has been marked by widespread disregard for the protection of civilians. Five million people now require humanitarian assistance, including shelter, food and health care. At least 6,344 people were killed between mid-April and mid-May 2015. The fighting has been characterized by the widespread use of explosive weapons, including cluster munitions, in populated areas. There were 1.3 million internally displaced persons registered in Ukraine as at 21 May 2015. In November 2014, the Government adopted a national law on ensuring the rights and freedoms of internally displaced persons, bringing some predictability to assistance efforts. Meanwhile, nearly 860,000 people have fled to neighbouring countries, one third of them children. The volatile security situation in eastern Ukraine, damaged infrastructure and bureaucratic impediments have hampered humanitarian access to people in need. Civilians remaining in conflict-affected areas have suffered extreme hardship and difficulty in gaining access to basic services due to violence, insecurity and restrictions on movement.

Yemen

26. The dramatic escalation of the conflict in Yemen in 2015 has taken a heavy toll on civilians. Prior to the latest escalation, it was estimated that 15.9 million people, or 61 per cent of the population, would require humanitarian assistance in 2015. That figure is now likely to have increased significantly. Between mid-March and mid-May 2015, about 2,000 people were killed and 8,000 people injured, roughly half of them civilians. The impact on civilian infrastructure has been devastating, with widespread air strikes and use of explosive weapons in populated areas, as well as attacks on health-care facilities, schools and other essential infrastructure. Large-scale displacement is occurring across the country owing to the intensity of the fighting. As at late May 2015, there were more than 545,000 new internally displaced persons, and more than 28,000 people have left the country over the past two months. Access conditions are severely restricted owing to ongoing hostilities and insecurity, and yet urgent humanitarian needs are increasing. Many Yemenis are now deprived of access to basic services, including medical treatment, food, water and other necessities. The Office for the Coordination of Humanitarian Affairs advocates safe, rapid and unhindered humanitarian access, including a further humanitarian pause as observed from 12 to 17 May 2015, and is working on the deconfliction arrangements necessary for a regular and predictable system under which to deliver humanitarian supplies to people in need.

III. Monitoring the five core challenges

27. The past 18 months have seen the deterioration of several protracted conflicts and the emergence of new ones, with devastating consequences for civilians. Against that backdrop, the five core protection challenges remain highly relevant.

Compliance and accountability

Respect for international humanitarian law

28. One of the most critical challenges for the protection of civilians is the prevailing disrespect for international humanitarian law on the part of States and non-State armed groups. Many parties in today's armed conflicts consistently show

complete disregard for their obligations under international humanitarian law and contempt for human life. Deliberately targeting and brutalizing civilians and attacking vital civilian infrastructure have become routine objectives of parties to conflict. Violations of international humanitarian law are accompanied by widespread impunity, which emboldens perpetrators and deprives victims of any hope of justice or redress. I encourage Member States to come together to discuss and identify ways to strengthen respect for and compliance with international humanitarian law, as a matter of urgency and priority.

Attacks against humanitarian and health-care workers and facilities

29. I remain concerned by continuing attacks against humanitarian and health-care workers and facilities. A study conducted by the International Committee of the Red Cross (ICRC) in 2014 documented more than 1,800 incidents involving serious acts or threats of violence affecting the delivery of health care in 2012 and 2013. According to the Aid Worker Database, 270 aid workers were killed, kidnapped or seriously wounded in 2014. Ninety per cent of the victims were national staff. Such attacks have devastating consequences for civilians. I welcome the adoption by the Security Council of resolution 2175 (2014) on the protection of humanitarian and United Nations and associated personnel. In that resolution, the Council reaffirmed the legal protection afforded to such personnel, called for their full and unimpeded access to all people in need of assistance, and emphasized the responsibility of States to ensure accountability for perpetrators of attacks.

Widespread use of explosive weapons in populated areas

30. Since 2009, I have consistently highlighted the devastating humanitarian impact of the use of explosive weapons in populated areas.[1] I have called upon parties to conflict to refrain from the use of explosive weapons with wide-area effects in populated areas. I have recommended that the Security Council, whenever relevant, expressly call upon parties to conflict to refrain from the use of such weapons.

31. The reasons for doing so are abundantly clear. In Afghanistan, Libya, the occupied Palestinian territory, the Sudan, the Syrian Arab Republic, Ukraine, Yemen and elsewhere, the use of explosive weapons in populated areas is a major cause of civilian deaths, injury and displacement. According to the non-governmental organization Action on Armed Violence, 41,847 people were killed or injured by explosive weapons in 2014, of whom 78 per cent were civilians. When explosive weapons were used in populated areas, 92 per cent of the casualties were civilians.[2] While explosive weapons are not explicitly prohibited under international humanitarian law, in many cases their use in populated areas constitutes unlawful conduct because of their indiscriminate impact. Since the wide-area effects of many explosive weapons are well known, their likely impact on civilians and civilian infrastructure is foreseeable. This raises serious moral and, in some cases, legal questions.

32. Many types of explosive weapons are currently in use. They include air-dropped bombs, artillery shells, missiles and rockets, mortar bombs and improvised explosive devices. While they differ in their design, composition and method of use,

[1] S/2009/277, para. 36.

[2] Action on Armed Violence, *Explosive States: Monitoring Explosive Violence in 2014*.

such weapons share certain basic features. They generally use explosive force to create a zone of blast and fragmentation with the potential to kill or injure anyone or damage anything within that zone. In other words, such weapons have indiscriminate effects. This makes their use in populated areas, such as towns, cities, markets and camps for internally displaced persons, particularly problematic, and more so if the weapons' effects extend across a wide area.

33. Given the indiscriminate impact of explosive weapons, their use in populated areas exacts an unacceptable toll on civilians. Many civilians are killed or suffer life-changing injuries. The use of explosive weapons in populated areas also has a significant long-term humanitarian impact. Housing and essential infrastructure, such as water and electricity supply systems, are damaged or destroyed. Livelihoods are devastated as commercial property and means of production are damaged or destroyed. Access to health care is often hampered because hospitals and clinics have been damaged, destroyed or rendered inaccessible, or because health-care personnel have been killed or supplies cut off. Children's education is interrupted, either as a result of damage to facilities or direct harm or fear of harm to teaching personnel. The Syrian conflict has put 2.6 million children out of school, some for three years or more. In Gaza, 66 per cent of schools were damaged or destroyed during the hostilities in July and August 2014, including some that were sheltering internally displaced persons, resulting in further loss of life.

34. The use of explosive weapons in populated areas is a major driver of displacement as people are forced to flee owing to attacks that damage or destroy their homes or livelihoods or fear of such attacks. It also has a tremendous impact on post-conflict reconstruction requirements and costs. Explosive weapons leave explosive remnants of war, which continue to pose a serious threat to civilians, in particular children, often for decades after the conflict has ended.

35. The use of explosive weapons in populated areas, in particular those weapons with wide-area effects, raises serious concerns about respect for the fundamental principles of distinction, proportionality and precautions in international humanitarian law. Full compliance with international humanitarian law by all parties to conflict would significantly strengthen the protection of civilians from the effects of explosive weapons. In addition, the development of policy standards to curb or limit the use of explosive weapons in populated areas, in particular those weapons with wide-area effects, could significantly strengthen the protection of civilians.

36. Important precedents exist in this regard. Of particular note, the International Security Assistance Force, in Afghanistan, and the African Union Mission in Somalia instituted policy and practice that place limits on the use of certain explosive weapons in certain locations where civilians tend to be present, in order to minimize the impact of military operations on civilians. The Office for the Coordination of Humanitarian Affairs is compiling examples of such practice and will make them available to Member States and partners with a view to promoting a change in practice by parties to conflict. In October 2014, I sent a note verbale to all Member States requesting that they provide examples of relevant policy and practice. Some have responded to my request, and I encourage others to do so without delay. I also welcome the decision of Austria to convene an expert meeting later in 2015, in cooperation with the Office for the Coordination of Humanitarian Affairs, to begin discussing the possible scope and content of a declaration on the

humanitarian impact of explosive weapons in populated areas. I strongly encourage Member States to engage constructively in that initiative.

Humanitarian access

37. Regular and sustained humanitarian access remains a key challenge in many armed conflicts. Access is a prerequisite for effective humanitarian action. Accordingly, I have repeatedly emphasized the need to ensure systematic engagement by humanitarian organizations with non-State armed groups on access, protection and other humanitarian issues.

38. During the past 18 months, multiple constraints continued to have an impact on the ability of affected people to gain access to assistance and services, as well as humanitarian organizations' ability to reach affected people. These include active hostilities, attacks against humanitarian workers and facilities, bureaucratic restrictions and interference in the delivery of assistance. In some conflicts, the parties have deliberately obstructed the delivery of assistance in order to harm civilians. Access for humanitarian organizations is not simply a technical requirement or bureaucratic decision for Governments; the denial of access prolongs suffering and kills people.

39. I therefore reiterate that, in situations where the party to the conflict with control over a civilian population is unable or unwilling to meet the needs of that population, humanitarian organizations must be allowed to carry out impartial relief operations. The consent of affected States for relief operations may not be arbitrarily withheld. Once relief operations have been agreed to, parties must allow and facilitate rapid and unimpeded passage of relief consignments, equipment and personnel. The arbitrary denial of humanitarian access and depriving civilians of objects indispensable to their survival, including wilfully impeding relief supply and access, constitute violations of international humanitarian law, and this has increasingly been acknowledged in Security Council resolutions. There must be accountability for such acts.

Peacekeeping

40. I note the ongoing challenges that peacekeepers face in their efforts to protect civilians in armed conflict. While the situation in many conflicts remains grim, it would be far worse without the important protection that peacekeepers can provide. During the reporting period, attacks on peacekeeping personnel resulted in the death of 55 personnel. In Mali and Darfur alone, attacks on peacekeepers during that period resulted in 42 personnel killed and 99 wounded. Peacekeepers are also increasingly faced with movement restrictions in violation of status-of-forces agreements with national authorities, which can hamper their ability to perform their mandated tasks. The important and impartial role of peacekeepers in protecting civilians must be respected by all parties. I have recently received the report of the High-level Independent Panel on Peace Operations (see S/2015/446) and will make recommendations to the General Assembly in due course.

Long-term internal displacement in protracted crises

41. Internal displacement has reached record levels. At the end of 2014, more than 38 million people were internally displaced as a result of conflict and violence, while an additional 13 million had sought refuge abroad. Those figures are higher

than at any time since the Second World War. An estimated 11 million people became internally displaced in 2014 alone, or 30,000 every day. The average length of conflict-induced internal displacement is about 17 years.

42. Internally displaced persons are particularly vulnerable. They often have limited access to basic services, and many lack legal documentation and struggle to find employment or reclaim property. They are at increased risk of discrimination and exploitation, in particular women and girls. Many internally displaced persons are accommodated in camps with only the most basic facilities, but the vast majority live in host communities. The generosity of communities that support internally displaced persons for weeks, months or even years should be acknowledged.

43. National Governments have the primary responsibility to protect and assist internally displaced persons on their territory. Governments should invest in preparedness measures and develop the legal frameworks and policies necessary to address internal displacement, based on the Guiding Principles on Internal Displacement. At present, less than 40 per cent of countries have such frameworks in place. Governments should promote durable solutions, including return, local integration and settlement elsewhere in the country, from the onset of displacement crises. Instructive provisions are contained in the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention); other regions could benefit from the development of similar frameworks. At the national level, I welcome the adoption of legislation on displacement in Somalia and Ukraine.

44. The international community has a responsibility not only to provide assistance to internally displaced persons but also to help to address their specific protection needs and the causes of their displacement. We need to strengthen the coordination and operational capacity of humanitarian organizations to support Governments and development partners in addressing the short- and long-term needs of internally displaced persons. The Security Council, at its Arria Formula meeting on the protection of internally displaced persons, held in May 2014, emphasized the importance of restoring national authority and protection, the key role of the international community and the Security Council when national protection fails, and the need for greater focus on and investment in long-term and durable solutions for internally displaced persons. I encourage Council members to consider these recommendations in relation to country-specific situations.

45. The sustainable development goals offer a unique opportunity to address protracted displacement in a systematic and effective manner. While displacement was not included in the sustainable development goals and targets, it should be reflected in the sustainable development goal indicators, disaggregated data sets and the definition of vulnerable groups. This is essential, to ensure that no one is "left behind" and to create an environment conducive to the protection of 51 million displaced people around the world. Upholding the right of those particularly vulnerable people to live in safety and dignity and offering them durable solutions are an essential part of ending poverty in all its forms everywhere and must therefore be part of the sustainable development goals framework.

46. Beyond the sustainable development goals process, we need to set ourselves an ambitious but credible target, for example collectively committing ourselves to halving the number of internally displaced persons by 2030. Rallying Member States, concerned Governments, donors, humanitarian and development actors and

international financial institutions around a common and concrete objective is a prerequisite to making progress on internal displacement. It will compel us to develop better-coordinated and more holistic approaches.

IV. Normative progress and ongoing efforts to strengthen the protection of civilians

47. Since my previous report, there have been a number of important advances that support the protection of civilians.

Compliance and accountability

48. The entry into force of the Arms Trade Treaty in 2014 is a significant step towards preventing the flow of weapons and ammunition to areas affected by conflict and violence. I call upon all States that have not yet done so to accede to and implement the Treaty without delay.

49. Since 2012, Switzerland and ICRC have conducted consultations with States parties to the 1949 Geneva Conventions to identify ways to strengthen compliance with international humanitarian law. The 32nd International Conference of the Red Cross and Red Crescent, to be held in December 2015, presents an important opportunity for States to act on the recommendations emanating from that process.

50. In the fight against conflict-related sexual violence, my Special Representative on Sexual Violence in Conflict signed joint communiqués with the Governments of the Democratic Republic of the Congo and South Sudan, as well as a framework of cooperation with the African Union, to address conflict-related sexual violence.

51. Progress was seen in some countries, including Afghanistan, the Democratic Republic of the Congo and Myanmar, in the implementation of action plans to end and prevent the recruitment and use of children. The new Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, along with early guidance produced by my Special Representative for Children and Armed Conflict, are also important contributions to the protection of children.

52. Various steps have been taken under the Human Rights Up Front initiative, which I launched in 2013, to strengthen the ability of the United Nations to prevent and respond to serious violations of international humanitarian and human rights law. Mechanisms for early warning and the coordination of United Nations response have been strengthened, as have efforts to improve collective information sharing and analysis within and across the United Nations with regard to such violations. The statement by the principals of the Inter-Agency Standing Committee on the centrality of protection in humanitarian action, issued in December 2013, outlined measures to strengthen the protection of all persons affected and at risk within a humanitarian response.

53. The successful implementation over the past two years of the human rights due diligence policy on United Nations support to non-United Nations security forces by peace operations constitutes another effective way to reduce the risk of national security forces committing violations of international human rights or humanitarian law.

54. The utility of casualty recording was again highlighted in a study by the Oxford Research Group in 2014, which found that casualty recording by UNAMA in Afghanistan had made possible advocacy to engage parties to the conflict on their behaviour and led to a decrease in civilian casualties resulting from their operations.

55. The International Criminal Court secured its second conviction on 7 March 2014, finding Germain Katanga guilty of five counts of war crimes and crimes against humanity. In addition, in December 2014, the Court's Appeals Chamber upheld the conviction and sentence of Thomas Lubanga Dyilo. These are important verdicts for the victims of those horrific crimes against civilians, international justice and the fight against impunity.

Humanitarian access

56. Further to a request contained in my previous report, the Office for the Coordination of Humanitarian Affairs and Oxford University have led a series of consultations with a range of experts and organizations to develop detailed guidance on the legal framework regulating humanitarian assistance, with particular focus on the arbitrary withholding of consent to relief operations. The guidance will be released in July 2015 and will address such issues as whose consent is required for cross-border relief operations; what amounts to arbitrary withholding of consent; and how the obligation to allow and facilitate relief operations can be implemented. It is hoped that the guidance will inform policies and advocacy strategies for improving humanitarian access to conflict-affected populations.

Peacekeeping

57. The Department of Peacekeeping Operations and the Department of Field Support have published the first United Nations policy on the protection of civilians in United Nations peacekeeping, along with associated guidelines for military components. This constitutes an important development in our efforts to institutionalize how civilian, police and military peacekeepers implement protection of civilians mandates in coordination with humanitarian and human rights actors and in support of national authorities.

V. Recommendations

58. Recalling the numerous recommendations in my previous reports aimed at strengthening the protection of civilians, I emphasize the importance of the following measures.

Strengthening respect for international law

59. To strengthen compliance with international law and ensure accountability for violations, the Security Council should:

(a) Systematically remind parties to conflict of their obligations under international law, in particular in the conduct of hostilities, and call upon the parties to fully comply with their obligations;

(b) Systematically condemn violations of international humanitarian, human rights and refugee law, including attacks against humanitarian and health-care

personnel and facilities, and consider referring such instances to the International Criminal Court;

(c) Systematically request reports on violations of international humanitarian and human rights law and, where concerns exist regarding serious violations, consider mandating commissions of inquiry or referring situations to the International Criminal Court;

(d) Consider applying targeted measures against parties and individuals who routinely violate their obligations to protect civilians;

(e) Encourage Member States to develop concrete mechanisms to improve respect for international law, such as regular meetings on compliance and a central register for monitoring and recording violations of international law.

60. Member States should:

(a) Adopt national legislation for the prosecution of persons suspected of genocide, crimes against humanity, war crimes and other serious violations of international humanitarian and human rights law;

(b) Search for and prosecute or extradite persons suspected of grave breaches of international humanitarian law or serious violations of human rights law;

(c) Ratify the Rome Statute of the International Criminal Court without delay;

(d) Cooperate fully with the International Criminal Court and similar mechanisms.

Humanitarian access

61. The Security Council should systematically remind parties to conflict of their obligation to allow and facilitate rapid and unimpeded humanitarian access. In addition, the Council should condemn the arbitrary denial of humanitarian access and depriving civilians of objects indispensable to their survival, including wilfully impeding relief supply and access, and should emphasize that such acts constitute violations of international humanitarian law.

62. The Emergency Relief Coordinator and humanitarian organizations should systematically engage with relevant non-State parties to conflict on humanitarian issues with the objective of improving humanitarian access, ensuring the delivery of emergency assistance and strengthening the protection of civilians in conflict areas. Such engagement, for exclusively humanitarian purposes, does not entail the recognition of the political or military aspirations of non-State armed groups.

Use of explosive weapons in populated areas

63. Parties to conflict should refrain from the use of explosive weapons with wide-area effects in populated areas. In addition, Member States should consider making a commitment to this effect.

64. Member States should improve the exchange of information and lessons learned on the use and impact of explosive weapons with wide-area effects in populated areas. In particular, as called for in my note verbale of October 2014, Member States should support the ongoing efforts of the Office for the Coordination

of Humanitarian Affairs to collect examples of good practice and develop guidance to enhance the protection of civilians and reduce the humanitarian impact of explosive weapons in populated areas.

65. Member States, with the support of the Office for the Coordination of Humanitarian Affairs and relevant organizations, should develop targets and indicators to monitor progress in reducing the humanitarian impact of explosive weapons in populated areas.

Civilian casualty tracking and recording

66. In recognition of the proven utility of civilian casualty tracking as a means of informing military strategy to reduce harm to civilians, parties to conflict, including in the context of multinational operations and United Nations peacekeeping missions involved in offensive operations, should establish and implement such mechanisms.

67. United Nations actors should work together to establish a common United Nations system to systematically record civilian casualties as part of broader efforts to monitor and report on violations of international humanitarian and human rights law, drawing on good practice and expertise from within the United Nations, Member States and civil society.

Displacement

68. Member States should ensure that the sustainable development goals framework adequately addresses the long-term needs of the forcibly displaced, including in relevant definitions, indicators and disaggregated data sets. Beyond that framework, I encourage the development of ambitious but credible targets and national monitoring mechanisms aimed at significantly reducing (e.g. by half) the number of forcibly displaced persons by 2030.

69. States members of the African Union should ratify and implement the Kampala Convention without delay. In addition, Member States should promote the development of similar instruments in other regions to protect and address the specific needs of internally displaced persons. The objective should be to ensure that by 2030 at least 50 per cent of States have adopted and implemented regional and national legal and policy frameworks on internal displacement.

Protection of civilians before the Security Council

70. Given the extreme challenges and levels of violence that civilians are facing in conflict settings around the world, I recommend that:

(a) My report on the protection of civilians in armed conflict be submitted on an annual basis (rather than every 18 months);

(b) The Council resume its practice of holding biannual open debates on the protection of civilians, in June and December;

(c) The Expert Group on the Protection of Civilians be used systematically to monitor protection trends in a greater number of situations of concern, including in the absence of peace operations, and to bring to the attention of Council members the most pressing protection challenges facing civilians and possible opportunities to address those challenges.